

In re MICHELSON ET AL., Application No. 09/894,200
REMARKS B

REMARKS

Applicants respectfully request reconsideration of the application, and respectfully request the Office withdraw all rejections in the final Office action mailed August 8, 2005, as the prior art of record neither teaches nor suggests all the claim limitations, and the Office failed to present a proper *prima facie* rejection of any of the pending claim. Please note, as October 8, 2005, was a Saturday, and Monday, October 10, 2005, was a Federal holiday, this paper is being filed within the effective two-month date after mailing of the final Office action.

Independent claim 1 and its dependent claims of 28-30, and independent claim 31 and its dependent claims of 32-34 are pending. All of these claims stand rejected as being anticipated by Ma, US Patent 6,157,643.

Applicants respectfully submit that there is clear error in fact in the rejections presented in the Office action as it fails to address all of the recited limitations and the Ma fails to even show what the Office claims it shows. For example, claim 1 includes the limitation phrase of:

"each first stage switching element of the plurality of first stage switching elements includes a flow control storage mechanism for storing received flow control information extracted from information received from the corresponding input/output interfaces of said input/output interfaces to which said first stage switching element is coupled, and control logic for receiving said information, extracting said received flow control information from said information, and for updating the storage mechanism with said received flow control information."

The Office action cites FIG. 12, SE1 of Ma for teaching each first stage switching element, and FIG. 1 of Ma for teaching storage of headers for both incoming and outgoing packets.

First, the Office neither presents nor Ma teaches that "*each* first stage switching element ... *includes*" (e.g., FIG. 12 of Ma just shows for the Office's purpose that its ATM switch has SE1's). Next, FIG. 1 neither teaches nor suggests "storage of headers for both incoming packets and outgoing packets" and even if it did, this neither teaches nor suggests the claim limitation to which it is being applied. FIG. 1 illustrates a translation table 12 included in ATM switch 11.

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This is a routing table for which a header is used as the lookup key, and neither teaches nor suggests storage for headers for both incoming and outgoing packets. Moreover, as this table contains both incoming *and* outgoing routing information, Ma teaches away from this table being included in an SE-1 interface.

Even if this did teach this storage for packet headers as presented by in the Office action, this provides no relevant teaching to the recited limitation as the claim limitation goes to *extracted flow control information from the received information* and not to packet headers. Packet headers are not "extracted flow control information". Although packet headers may contain flow control information, the claim requires the flow control information to have been extracted from the information (e.g., the flow control information being extracted from the packet header to be consistent with the Office's application of Ma).

Additionally, claim 1 further recites the limitation phrase of:

"each of the first stage switching elements is configured to repeatedly sequence through said flow control information currently stored in the storage mechanism and to send a portion of said flow control information stored at a current location within said flow control information over one of said paths to a predetermined one of the plurality of second stage switching elements, such that each of the first stage switching elements is configured to said send said flow control information to a different one of the plurality of second stage switching elements."

There is no teaching nor suggestion in Ma (nor any prior art of record, alone or in combination) for *each first stage switching element to repeatedly sequence through and forward this flow control information "to a predetermined one of the plurality of second stage switching elements, such that each of the first stage switching elements is configured to said send said flow control information to a different one of the plurality of second stage switching elements."*

As independent claim 31 includes limitations directly corresponding to those discussed in relation to claim 1, Applicants respectfully traverse the rejection of independent claim 31 for at least these reasons.

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For at least these reasons, Applicants respectfully submit that Ma and the prior art of record (alone or in combination) neither teaches nor suggests all the limitations of any pending claim. Applicants respectfully request that independent claim 1 and its dependent claims 28-30, and independent claim 31 and its dependent claims 32-34 be allowed, and the application be passed to issuance.

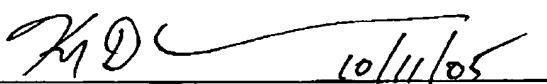
Moreover, if the Office complies with MPEP § 706 and 37 CFR 1.104(c)(2), then the Office cited the best prior art reference(s)available. As the prior art of record neither teaches nor suggests all the claim limitations of the pending claims, then all pending claims are believed to be allowable over the best prior art available, and Applicants request the claims be allowed and the application pass to issuance.

In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over the prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney.

Respectfully submitted,
The Law Office of Kirk D. Williams

Date: October 11, 2005

By


10/11/05
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